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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named
Inventor : Mark G. Romo et al.

Appln. No. : 10/784,107

Filed : February 20, 2004

For : COMPENSATED VARIABLE
OPTICAL ATTENUATOR

Docket No.: R11.12-0837

Group Art Unit: 2874

Examiner: ---

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I HEREBY CERTIFY THAT THIS PAPER IS BEING
SENT BY U.S. MAIL, FIRST CLASS, TO THE
COMMISSIONER FOR PATENTS, P.O. BOX 1450,
ALEXANDRIA, VA 22313-1450, THIS

20th DAY OF May, 2005.

PATENT ATTORNEY

Sir:

The patents or publications listed on the enclosed PTO Form-1449 are submitted pursuant to 37 C.F.R. § 1.97. Copies of the patents or publications cited are enclosed, except as waived by the Official Gazette notice of August 5, 2003 regarding copies of U.S. Patents and Published Applications.

This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior Application No. 10/430,845, filed on May 6, 2003. References listed on the enclosed PTO Form 1449 were submitted to and/or cited by the Office in the prior application and copies are therefore not required to be provided herewith under 37 C.F.R. § 1.98(d).

LIST REFERENCES NOT SUBMITTED

Submitted herewith is a copy (with English translation as appropriate) of an Official Search Report of the European Patent Office in counterpart foreign application No. PCT/US2005/004251 filed February 11, 2005.

The following foreign language documents and English language documents are believed to be equivalent or substantially equivalent:

FOREIGN LANGUAGE

ENGLISH LANGUAGE

TIME OF FILING

The information disclosure statement is being filed:

1. x with the application or within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. In accordance with 37 C.F.R. § 1.97(b), no statement or fee is required.

2. after the time period specified in paragraph 1 above, but before the mailing date of a final action under 37 C.F.R. § 1.113 or notice of allowance under 37 C.F.R. § 1.311. Therefore, in accordance with 37 C.F.R. § 1.97(c), submitted herewith is:

(check either A or B below)

 - A. a statement as specified in 37 C.F.R. § 1.97(e).
 - B. the fee set forth in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under 37 C.F.R. § 1.97(c).

3. after the mailing date of either a final action under 37 C.F.R. § 1.113 or a notice of allowance under 37 C.F.R. § 1.311, whichever occurs first, but before payment of the issue fee. Therefore, Applicant petitions for consideration and submits herewith:
 - A. a statement as specified in 37 C.F.R. § 1.97(e);
 - B. the petition fee set forth in 37 C.F.R. § 1.17(p).

STATEMENT

(only used if No. 2(A) or No. 3 above is checked)

The person(s) signing below certify

(check appropriate paragraph)

 that each item of information contained in this Information Disclosure Statement was first cited in any communication

from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. 37 C.F.R. § 1.97(e)(1).

OR

— that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement. 37 C.F.R. § 1.97(e)(2).

METHOD OF PAYMENT

 x No fee is required.

 Attached is a check in the amount of \$.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123. A duplicate copy of this communication is enclosed.

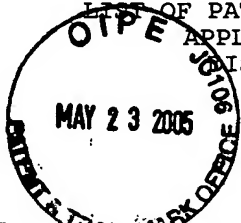
Respectfully submitted,

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FORM PTO-1449		Atty. Docket No.: R11.12-0837	Appl. No.: 10/784,107
		First Named Inventor:	
		Mark G. Romo et al.	
		Filing Date	Group Art:
		February 20, 2004	2874

U.S. PATENT DOCUMENTS

Examiner Initial	Document No.	Date	Name	Class	Sub Class	Filing Date If Appropriate
AA	2003/0012545 A1	01/16/03	Bellman et al.	385	140	
AB	6,628,857 B1	09/30/03	Bonadeo et al.	385	18	
AC	2004/0223718 A1	11/11/04	Romo et al.	385	140	
AD	2004/0223717 A1	11/11/04	Romo et al.	385	140	
AE	2003/0133648 A1	07/17/03	Mitsuoka et al.	385	22	
AF	10/430,845	05/06/03	Romo et al.			
AG						
AH						
AI						
AJ						
AK						

FOREIGN PATENT DOCUMENTS

	Document No.	Date	Country	Class	Sub Class	Translation Yes No
AL	JP 2003 287689	10/10/03	Japan			X
AM						
AN						

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

AO	Wu et al., "Deflecting-Fiber Type MEMS Variable Optical Attenuator," Proceedings of SPIE, Bellingham, VA, vol. 4604, 2001.
AP	
AQ	

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.